

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	2:17-CR-005-KJD-(NJK)
	)	
Plaintiff,	)	
	)	
v.	)	Preliminary Order of Forfeiture
	)	
SETH WITTNER,	)	
	)	
Defendant.	)	

This Court finds that defendant Seth Wittner pled guilty to Count One of a One-Count Criminal Information charging him with Possession of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(5)(B). Criminal Information, ECF No. 4; Plea Agreement, ECF No. 5; Change of Plea, ECF No. 9.

This Court finds defendant Seth Wittner agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Information. Criminal Information, ECF No. 4; Plea Agreement, ECF No. 5; Change of Plea, ECF No. 9.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Information and the offense to which defendant Seth Wittner pled guilty.

The following assets are (1) any visual depiction described in Title 18, United States Code, Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received

1 in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (2) any property, real or  
2 personal, used or intended to be used to commit or to promote the commission of Title 18,  
3 United States Code, Section 2252A(a)(5)(B) or any property traceable to such property, and are  
4 subject to forfeiture pursuant to Title 18, United States Code, Section 2253(a)(1) and (a)(3):

5 1. Apple All In One, S/N WQ0272ZCDAS; and

6 2. WD External Hard Disk Drive, S/N WX41AA3F9787

7 (all of which constitutes property).

8 This Court finds the United States of America is now entitled to, and should, reduce the  
9 aforementioned property to the possession of the United States of America.

10 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that  
11 the United States of America should seize the aforementioned property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest  
13 of Seth Wittner in the aforementioned property is forfeited and is vested in the United States of  
14 America and shall be safely held by the United States of America until further order of the Court.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of  
16 America shall publish for at least thirty (30) consecutive days on the official internet government  
17 forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited  
18 property, state the time under the applicable statute when a petition contesting the forfeiture must  
19 be filed, and state the name and contact information for the government attorney to be served  
20 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,  
21 Section 853(n)(2).

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or  
23 entity who claims an interest in the aforementioned property must file a petition for a hearing to  
24 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be  
25 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,  
26 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature

1 and extent of the petitioner's right, title, or interest in the forfeited property and any additional  
2 facts supporting the petitioner's petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be  
4 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no  
5 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than  
6 sixty (60) days after the first day of the publication on the official internet government forfeiture  
7 site, [www.forfeiture.gov](http://www.forfeiture.gov).

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if  
9 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at  
10 the following address at the time of filing:

11 Michael A. Humphreys  
12 Assistant United States Attorney  
13 Daniel D. Hollingsworth  
14 Assistant United States Attorney  
15 501 Las Vegas Boulevard South, Suite 1100  
16 Las Vegas, Nevada 89101.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described  
16 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate  
17 agency following publication of notice of seizure and intent to administratively forfeit the above-  
18 described property.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies  
20 of this Order to all counsel of record.

21 DATED this 1st day of March, 2017.

22  
23   
24 \_\_\_\_\_  
25 UNITED STATES DISTRICT JUDGE  
26

**PROOF OF SERVICE**

A copy of the foregoing was served upon counsel of record via Electronic Filing on February 27, 2017.

/s/ Heidi L. Skillin  
HEIDI L. SKILLIN  
FSA Paralegal